IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 28TH FEBRUARY 2007 / 9TH PHALGUNA 1928

Bail Appl..No. 1163 of 2007()

AGAINST THE ORDER IN BA.501/2007 Dated 07/02/2007
CR.NO.33/06 OF KANJIRAPPALLY EXCISE RANGE.

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: PETITIONER/ACCUSED

SALIN, AGED 48 YEARS,
S/O.NARAYANAN, NJARAKKAMATTATHIL HOUSE,
ERUMELY, NORTH VILLAGE,
KANJIRAPPALLY.

BY ADV. SRI.S.RAJEEV

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA
(O.R.NO.33 OF 2006 OF KANJIRAPPALLY EXCISE RANGE)

BY PUBLIC PROSECUTOR SHRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 28/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO. 1163 OF 2007

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DATED THIS THE 28th DAY OF FEBRUARY, 2007

O R D E R

Petitioner who is the accused in C.R.No.33/06 of Kanjirappally Excise Range for an offence punishable under section 55(a) of the Abkari Act for allegedly having been found in possession of 40 litres of wash on 27.12.2006 and who was arrested on the same day, seeks his enlargement on bail.

2. Even though the learned Public Prosecutor opposed the application submitting, inter alia, that the petitioner is an accused in two other crimes of similar nature, the fact remains that no final report has been filed even after 60 days of detention of the petitioner. If so, the petitioner is entitled to bail as of right, by virtue of the proviso to section 167(2) Cr.P.C. Accordingly, the petitioner is directed to be released on bail on his executing a bond for Rs.20,000/- (Rupees twenty thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M.-I, Kanjirappally and subject to the following conditions:

1. Petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

3. The petitioner shall not commit any offence while on bail.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

V.RAMKUMAR, JUDGE.

dsn